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JSC's Opposition to MGC's Motion to Stay Distribution Phase – 1

In any event, MGC's request for "a stay of the distribution portion of these proceedings" (Motion at 1) is moot with respect to JSC because JSC is no longer a party to the Distribution Phase of the proceedings. *See Ruling and Order Regarding Objections to Cable and Satellite Claims*, Nos. 14-CRB-0010-CD (2010-13), 14-CRB-0011-SD (2010-13) (Oct. 23, 2017) ("Claims Order"), at 45-49 (dismissing all of MGC's claims in the Sports category).

Nevertheless, in the IPG lawsuit, MGC/IPG states that it "seeks a stay of CRB Docket Nos. 14-0010 CD 2010-2013 and 14-0011 SD 2010-2013, with regard to distributions in the 'Program Supplier', 'Sports' and 'Devotional' distribution categories."² MGC apparently believes that *if* the IPG lawsuit is not dismissed for lack of jurisdiction, and *if* that lawsuit results in the application of a presumption of validity to IPG's claims, that would somehow undo the Judges' claims rulings in the Sports category. MGC is wrong.

No presumption of validity could revive MGC's claims based on Fédération Internationale de Football Association ("FIFA") programming, because FIFA expressly repudiated any alleged agency relationship with IPG:

Even if MGC had established FIFA's copyright, FIFA has repudiated the right of IPG or its counsel to represent FIFA, as of July 30, 2012, at the latest. . . . MGC has no greater rights than its assignor, IPG. Neither IPG nor MGC has produced any evidence that FIFA has retained either entity to represent its interests in these proceedings.

Claims Order at 46 (footnote omitted). Likewise, MGC's CFL claims were dismissed not due to IPG's loss of the presumption of validity, but because the CFL expressly terminated MGC/IPG. *Id.* at 48-49. MGC's only other Sports claims, for TV Azteca, were dismissed not due to the lack of a validity presumption, but because MGC "failed to demonstrate that any of the [Azteca] titles

² Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order, at 6, No. 1-17-cv-02643 (Doc. 5-1) (filed Dec. 12, 2017) (emphasis added).

MGC lists is clearly a retransmission of a live 'professional or college team sports broadcast by U.S. ... television stations'" *Id.* at 49.

Accordingly, while JSC believes there is no basis for a stay of these proceedings, even if the Distribution Phase were stayed, there would be no basis to apply any such stay to future distributions to the Sports category.

CONCLUSION

For the foregoing reasons, the Judges should deny the Motion. If and to the extent any stay is granted, the Judges should make clear that it applies only to the Program Suppliers and Devotional categories, and not to distributions of 2010-13 cable and satellite royalties to the Sports category.

December 15, 2017

Respectfully submitted,

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I hereby certify that on this 15th day of December, 2017, a copy of the foregoing Notice Regarding Change in Service List was provided to each of the parties listed below via eCRB's electronic filing system or by Federal Express overnight mail where required by 37 C.F.R. § 350.6(h)(1).:

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